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Lincoln County, Nevada

040169

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MAY 25 2004

May 17, 2004

Ms. Robin Sweeney
EIS Document Manager
Office of Transportation
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
1551 Hillshire Drive, M/S 011
Las Vegas, Nevada 89134

RE: Comments on the Scope of the Environmental Impact Statement for the Alignment,
Construction, and Operation of a Rail Line to a Geologic Repository at Yucca Mountain,
Nye County, Nevada

Dear Ms. Sweeney:

On behalf of the Board of Lincoln County Commissioners I am pleased to provide the following comments on the scope of the environmental impact statement (EIS) for the alignment, construction, and operation of a rail line to a geologic repository at Yucca Mountain. Lincoln County commends the Department of Energy (DOE) for moving forward with the identification of the preferred mode of transportation (rail) and the preferred rail corridor (Caliente) for further evaluation. Lincoln County concurs with DOE's decision to prepare an EIS which addresses alignment alternatives, rail line construction and operation. The County encourages DOE to prepare a comprehensive EIS which is capable of supporting a final alignment decision which minimizes impacts to private property owners and users of public land including ranchers, miners, off-road vehicle enthusiasts, and hunters and trappers. Where impacts to existing private and public landowners/users can not be avoided, Lincoln County requests that the EIS identify feasible methods to mitigate such impacts, including, where other options do not exist, compensation.

Beyond consideration of land use issues, Lincoln County believes the EIS should identify and evaluate potential economic impacts/benefits of various alignment alternatives and use of Lincoln County contractors, employees and locally derived construction materials in the construction of the rail line. Examples of local resources available to support rail line

construction include local engineers and surveyors; concrete strengthening additives for use in concrete ties and bridges (pozzolan); aggregate for ballast; diesel fuel and gasoline; truck parts and tires; trucking; earthwork contractors; framing contractors; food services and lodging. In addition, the economic impact of using Lincoln County vendors and employment of local residents to maintain and operate the rail line should be evaluated within the EIS.

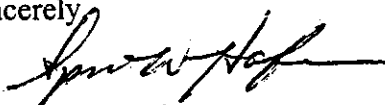
DOE is encouraged to identify and evaluate economic impacts associated with locating various transportation system and rail support facilities for communications and shipment tracking; rail line maintenance; rolling stock storage and maintenance; crew training; and DOE/contractor provided security and/or emergency first response capabilities. The EIS should provide adequate analysis of such facilities in order to support a possible DOE decision.

DOE should identify all reasonable means to maximize favorable rail and transportation system economic impacts on Lincoln County. This should include provisions which allow the shared use of the railroad for general commerce and for the transport of locally procured materials for the construction of a repository. If DOE does not complete construction of the railroad early enough to allow its use for conveying materials during the initial construction of the repository, DOE should evaluate impacts of a rail to truck inter-modal facility at Caliente for shipment of repository construction materials. Lincoln County encourages the placement of this and other pre-operational, non-radiological facilities in the County.

While the EIS for the Yucca Mountain geologic repository evaluated health risks (both radiological and non-radiological) associated with construction and operation of the Caliente rail line and related inter-modal/truck transportation systems, Lincoln County suggests that the current rail alignment EIS identify and evaluate feasible methods to mitigate said risks. Appropriate impact mitigation includes locating transportation facilities and employees in the County. Training, transportation facilities and equipment for emergency first responders, emergency medical services and emergency communications should also be provided to mitigate impacts.

Lincoln County encourages DOE to think broadly when considering the scope of possible decisions to be afforded coverage through the rail alignment EIS. The County would expect the scope of the EIS to include National Environmental Policy Act coverage of all possible rail system related decisions which might need to be made by DOE, including mitigation of impacts. In this regard DOE is encouraged to consider the feasibility of using cooperative agreements with Lincoln County and other local governments along the Caliente rail corridor as a mechanism for impact issue identification/resolution and in developing and implementing effective strategies for mitigating impacts.

Sincerely



Spencer W. Hafen
Chairman